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Attorneys for *Specially Appearing* Defendant  
BUMBO (PTY) LTD.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DYLAN LAMM, a minor by and  
through his guardian ad litem MARY  
CATHERINE DOHERTY; and KEVIN  
LAMM,

Plaintiffs,

vs.

BUMBO, BUMBO LIMITED, BUMBO  
(PTY) LTD.; TARGET  
CORPORATION; and DOES 1 to 20,

Defendants.

Case No. C-07-04807 MHP

**DECLARATION OF JENNIFER  
J. JOHNSTON IN SUPPORT OF  
REPLY TO PLAINTIFFS'  
OPPOSITION TO DEFENDANT  
BUMBO (PTY) LTD'S AMENDED  
MOTION TO QUASH SERVICE  
AND DISMISS FOR  
INSUFFICIENT SERVICE OF  
PROCESS AND LACK OF  
PERSONAL JURISDICTION**

Date: March 24, 2008

Time: 2:00 p.m.

Place: Courtroom of the Hon.  
Marilyn Hall Patel

I, Jennifer J. Johnston, declare:

1. I am a member of the law firm of Condon & Forsyth LLP, attorneys  
of record for defendant Bumbo (Pty) Ltd. I have personal knowledge of the facts  
stated in this declaration, except for those facts stated upon information and belief  
and, as to those facts, I am informed and believe that they are true and correct. If  
called as a witness, I could competently testify to these facts. I submit this  
declaration in support of Reply to Plaintiffs' Opposition to Defendant Bumbo

DECLARATION OF JENNIFER J. JOHNSTON IN SUPPORT  
OF REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANT  
BUMBO (PTY) LTD'S AMENDED MOTION TO QUASH  
SERVICE AND DISMISS FOR INSUFFICIENT SERVICE OF  
PROCESS AND LACK OF PERSONAL JURISDICTION  
CASE NO.: C 07-04807 MHP

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(PTY) Ltd's Amended Motion and Motion to Quash Service and Dismiss for Insufficient Service of Process and Lack of Personal Jurisdiction.

2. South Africa is not a party to the international convention relating to foreign service. Attached hereto as Exhibit "A" is a true and correct copy of the Status Table relating to the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, available on the website of the Hague Convention at: [http://hcch.e-vision.nl/index\\_en.php?act=conventions.status&cid=17](http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=17) (last visited March 5, 2008). This list of the 56 Contracting States to this Convention does not include the Republic of South Africa.

3. Attached hereto as Exhibit "B" is a true and correct copy of Rule 4 of the South African Uniform Rules of Court ("South African Uniform Rules"). I am informed and believe that Rule 4 of the South African Uniform Rules provides that any documentation initiating proceedings against a company shall be effected by the sheriff in South Africa.

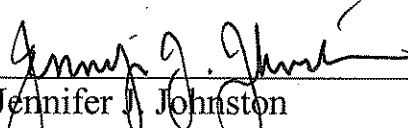
4. In addition to plaintiffs' counsel in the case at hand, I have contacted attorneys for plaintiffs in other cases presently pending against Bumbo (Pty) Ltd., and have asked them to contact me if they believed they served Bumbo (Pty) Ltd. Plaintiffs' counsel here were the only attorneys who refused to cooperate and provide information.

5. In one of these other pending actions, also styled as a class action and entitled *Mathison v. Bumbo, et al.*, Case No. 07CC01399, venued in California state court, specifically Orange County, plaintiffs' counsel has acknowledged that there are service requirements for service on foreign corporations and has indicated that he is currently in the process of serving Bumbo (Pty) Ltd. via a letter rogatory. Plaintiffs' counsel also told me that he had spoken with counsel for plaintiff in the

1 case at hand and expressed his view that a letter rogatory was the only appropriate  
2 method by which to serve Bumbo (Pty) Ltd.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Executed this 7th day of March 2008 at Los Angeles, California.

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7 Jennifer J. Johnston  
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